

CHRONOLOGICAL OBSERVATIONS ON LATER BYZANTINE DOCUMENTS*

1. Justinian's *Novella* 47 and its application in Egypt

Justinian's *Nov.* 47, issued in Constantinople on 31 August 537, prescribes how from that moment on all συμβόλαια and ὑπομνήματα, i.e. all contracts and legal documents, should be dated: ὁθεν θεσπίζομεν ... οὕτω πως ἀρχεσθαι τῶν συμβολαίων· Βασιλείας τοῦδε τοῦ θειοτάτου Αὐγούστου καὶ Αὐτοκράτορος ἔτους τοσοῦδε, καὶ μετ' ἐκεῖνα ἐπιφέρειν τὴν τοῦ ὑπάτου προσηγορίαν τοῦ κατ' ἐκεῖνο τὸ ἔτος ὄντος, καὶ τρίτην τὴν ἐπινέμησιν, παρεπομένου τοῦ μηνὸς καὶ τῆς ἡμέρας, i.e. first a dating by the regnal year of the ruling emperor should be given, then an indication of the consul of the current year, thirdly the indiction and finally the month and the day. Justinian continues:

Εἰ δὲ καὶ τις παρὰ τοῖς τὴν ἑῶαν οἰκοῦσιν ἢ ἄλλοις ἀνθρώποις φυλάττεται παρατήρησις ἐπὶ τοῖς τῶν πόλεων χρόνοις οὐδε ταύτην βασκαίνομεν, i.e. he is not opposed to any additional mention of local municipal eras in use among the Eastern inhabitants of his empire or elsewhere, provided that such an era was not used as the sole dating criterion in contracts and legal documents: ἀλλὰ προστετάχθω μὲν ἡ βασιλεῖα, ἐπέσθω δὲ ὡς εἴρηται ὃ τε ὑπατος ἢ τε ἐπινέμησις ὃ τε μὴν ἢ τε ἡμέρα ... τηνικαυτὰ τε ἐπαγέσθω καὶ τὸ τῆς πόλεως πᾶσι τρόποις ἔτος.¹

A comparison of the formula set forth above with the formulas actually used in the papyri from Egypt after *Nov.* 47 had come into full force,² shows that the scribes of the papyri permitted themselves the use of slightly variant formulas, especially as regards the attribution of honorific epithets; furthermore, the papyri

* To Professor William H. Willis on the occasion of his retirement from Duke University.

1 A convenient but not flawless English translation of the law is given by S. P. Scott, *The Civil Law, Including the Twelve Tables, The Institutes of Gaius, The Rules of Ulpian, The Opinions of Paulus, The Enactments of Justinianus and the Constitutions of Leo* (Cincinnati 1932, repr. New York 1973) vol. 16 pp. 213-15.

2 Cf. R. S. Bagnall-K. A. Worp, *Regnal Formulas in Byzantine Egypt*, *BASP Supplement* 2 (Missoula, Montana 1979) ch. 3 (= *RFBE*).

usually give the month and the day *before* the indiction instead of after it.

What concerns us here is primarily the question of how far Justinian's regulation was observed in Egypt as regards the use of local eras (χρόνοι τῆς πόλεως). Secondly, we shall compare our findings as regards the situation in Egypt with the situation in another Eastern province.

Strictly speaking, only one such era was in use in Egypt, viz. that of Oxyrhynchus.³ This era indication consists of a set of two year-numerals, the first being higher than the second by thirty-one (years); this reflects the posthumous year count of the emperors Constantius II (year 1 = A.D. 324/25) and Julian (year 1 = A.D. 355/56). Its use remains restricted to the town of Oxyrhynchus in Middle Egypt and the surrounding provincial territory. So far, no document has shown up attesting the use of this era among, for example, inhabitants of Hermopolis or Arsinoe.⁴ Within the territory of Oxyrhynchus, one finds the era prominently used for dating short texts such as orders for payment or delivery, receipts, memoranda, etc. Within the framework of larger documents the era is often found in the middle part of a document at the start of a statement about, for example, the start of a lease, the date of repayment of a loan, etc. (cf., e.g., *P. Oxy.* XVI 1892.18-20). In one case the era is found as a dating device in a notarial subscription at the bottom of a contract dated already by this and other elements at the start (*P. Oxy.* I 138.2, 45). Of its use in the sense as indicated by Justinian's *Novella*, i.e. as an additional dating element used in the dating formulas in contracts and legal documents, only a few instances have been published to date:

3 The origin of it is examined in R. S. Bagnall-K. A. Worp, *The Chronological Systems of Byzantine Egypt* (Zutphen 1978) ch. 6 (= *Chronological Systems*).

4 The use in Egypt of another era, viz. that of Diocletian/ of the Martyrs, shows peculiarities which have been fully discussed in *Chronological Systems* ch. 7. Let it suffice here to state that this era is never found in dating formulas at the start of papyrus contracts before the middle of the seventh century (first attestation: *BGU* I 312, cf. *ZPE* 46 [1982] 243). The date of *P. Bad.* II 29 (cf. R. Seider, *Paläographie der Griechischen Papyri* vol. 1 p. 39, pl. 23), "A.D. 404," on the basis of a Diocletian era year 120 cannot be correct, as Professor Bagnall kindly pointed out to me. It is difficult to find a convincing new reading for the editors' $\rho\chi$ /, but it may be that something like $\gamma(\iota\upsilon\epsilon\tau\alpha\iota)$ $\kappa\eta$ comes nearer to the truth.

<i>P. Wash. Univ.</i> 25	(A.D. 530)
<i>P. Oxy.</i> I 126	(A.D. 572)
<i>SB XIV</i> 11617	(A.D. 580)
<i>P. Oxy.</i> XX 2283	(A.D. 586)
<i>P. Oxy.</i> XLIV 3204	(A.D. 588)
<i>P. Oxy.</i> I 138	(A.D. 610/11)

Furthermore, the era year numerals have been restored by R. Rémondon in the dating formula of *P. Got.* 9 (A.D. 564; cf. *BL V* 36), but it is doubtful whether this restoration is compelling.

As far as our present documentation allows us to draw any firm conclusions it is interesting to note that, in comparison with the numerous contracts and similar documents from Byzantine Oxyrhynchus, the use of the local era of Oxyrhynchus, even after it had been officially sanctioned by Justinian's law, remained rather restricted. Only one document is dated earlier than the issuing of the law, whereas a handful of such documents are dated several decades afterwards. This does not seem to point to much enthusiasm among Oxyrhynchite scribes to make use of the era in such circumstances as envisaged by the law; in other words, Justinian sanctioned a practice which, as far as Oxyrhynchus is concerned, was hardly applied before A.D. 537 and never became very popular later on. In general it can be observed that his law was not very strictly obeyed in Egypt in that at first scribes did not immediately adhere to the principle of adding the regnal year of the emperor, and later on the use of the consulate for dating purposes gradually fell into disuse. The latter phenomenon no doubt has to do with the disappearance of consulates held by private persons rather than by the emperor himself.⁵

We may compare these findings with the situation in another Eastern province from which we have some papyrus documents preserved, i.e. Palestine. Among the papyri found at ancient Nessana and dating from before the issuing of *Nov.* 47 there are three texts which show a local era in use for dating purposes (along with other criteria) in contracts. The papyri concerned are *P. Ness.* 14 (before A.D. 505), 16 (A.D. 512) and 18 (May/June 537). One may exclude *P. Ness.* 17 (dated by the editors to A.D. 517, but cf. *BASP* 18 [1981] 47-49). After *Nov.* 47 was issued, the era is given for

⁵ Cf. the remarks by H. J. Wolff in *RIDA* ser. 3 vol. 8 (1961) 146-50.

dating contracts in *P. Ness.* 20 (A.D. 558), 21 (A.D. 566), 24 (A.D. 569), 26 (A.D. 570), 27 (A.D. 570/71), 29 (A.D. 590) and 46 (A.D. 605), in combination with other dating elements such as the regnal year and the consulate; only *P. Ness.* 46 lacks the consular year. The era concerned in these texts is that of Bostra (Provincia Arabia).⁶

Because of the lack of papyri from other Eastern regions we are not in a position to see what other local eras were used for dating contracts drawn up in some specific city or province.⁷ From the inscriptions we gather that, for example, the Seleucid era was very popular among the Easterners for dating gravestones etc., but this has, of course, nothing to do with the dating of papyrus contracts.

2. Oxyrhynchus and the nomenclature of the emperor Tiberius II

In *RFBE* 56-57 attention is drawn to the "fact" that only one papyrus from Oxyrhynchus, *P. Oxy.* XVI 1892, seems to present us with a full string of names for the emperor Tiberius II (A.D. 578-82) as $\Phi\lambda. \tau\iota\beta\acute{\epsilon}\rho\iota\omicron\varsigma \text{ Νέος Κωνσταντῖνος}$. When, however, one checks the document, one sees that the word *Νέος* is an editorial restoration of an incompletely preserved regnal formula. Therefore, it seems safer not to maintain the litigious exception: *Νέου* in *P. Oxy.* XVI 1892.2 should be cancelled. All Oxyrhynchite documents then give Tiberius' names as $\Phi\lambda. \tau\iota\beta\acute{\epsilon}\rho\iota\omicron\varsigma \text{ Κωνσταντῖνος}$ during his sole reign (but cf. *RFBE* 54, form. 2, for names borne by him during his Caesarship).

3. Mauricius' death and Phocas' ascension to the throne as reflected in the papyri

First some data: The emperor Mauricius fell victim to a revolt by Phocas who was crowned as emperor on 23 November 602; Mauricius himself was executed on 27 November 602.⁸

⁶ On this see V. Grumel, *La Chronologie* (Paris 1955) 214-15 (= Grumel).

⁷ For various eras see Grumel 213-17.

⁸ Cf. A.H.M. Jones, *The Later Roman Empire* vol. 1 p. 315; the dates given at *RFBE* p. xi for Mauricius' death and Phocas' ascension should be reversed.

It is the first of these dates which should concern us as regards the question what imprint this "changing of the guard" made upon the scribes in Egypt who had to date their documents after the ruling emperor. Two documents are of particular interest:

- a. *P. Grenf.* II 88 (Arsinoe, 20 December 602), still dated by the emperor Mauricius almost four weeks after Phocas had taken over (for the formula cf. *RFBE* 60 form. 5);
- b. *SB* XVI 12604 (= a new edition of *SB* VI 9403; Hermopolis, 21 December 602) dated by the emperor Phocas, one day later than the preceding document (for the formula cf. *RFBE* 67 form. 6).

As Hermopolis is situated further to the south than Arsinoe, and as all news concerning emperors in far-away Byzantium had to come from the north (through Alexandria), one would expect that the news of Phocas' ascension would have reached Arsinoe a bit earlier than Hermopolis and that, consequently, the scribes would have adapted their dating formulas without any delay. Apparently it must have taken less than one day to get the news of the new emperor from Arsinoe to Hermopolis. Otherwise, one has to assume that, while the news of Phocas' ascension had reached already all parts of Egypt fairly soon after the end of ~~October~~ 602, the ^{November} scribe of the Grenfell papyrus was rather slow in adapting the ^{A.V.B.} dating formula (after all, he might have been using the same formula for twenty years since Mauricius came to the throne). There is no evidence to suggest a political motive behind the anachronistic dating by Mauricius in the Grenfell text; our presently available documentation does not allow us to speculate about any such motivation.

4. The dating formula of *SB* I 4662

In *BASP* 17 (1980) 24 it was noted that the papyrus *SB* I 4662, written during the reign of Heraclius (610-641), presents a problematical dating formula: "The indiction and regnal dates agree on 11 July 632, while the consular year 20 can be only 630. It seems that the consulate (very rare in this reign) is in error." From this remark it can be derived that the year 20 occurring in line 3 was taken to be Heraclius' consular year. There is, I think now, an alternative solution possible, but before proceeding I wish to point out that there should be no doubt as regards the correctness of Wessely's transcript of the papyrus. A photo kindly

provided by the Louvre⁹ enabled me to see the text. The only point of divergence between Wessely and me, as regards the dating formula, is that in my opinion there are traces of one, possibly even two letters visible before $\lambda\tau\acute{\alpha}\tau\omicron\upsilon$ in line 3; a reading $\lambda\sigma\tau\acute{\alpha}\tau\omicron\upsilon$, or even $\lambda\epsilon\tau\acute{\alpha}\tau\omicron\upsilon$ seems acceptable to me.

We have the following set of dating elements in *SB* I 4662.1-3 preserved:

- a. Regnal year of Heraclius Sr. 22 = 5 October 631-4 October 632
- b. a year 20
- c. Epeiph 17 = 11 July
- d. Indiction 6 = 1 July 632-30 June 633

Elements a, c and d in combination point to a date of 11 July 632, but how element b, year 20, fits into this scheme has still to be explained. Consulting the synoptic chronological chart in *Chronological Systems* p. 94, under year 632 one sees that on 22 January of this year the twentieth regnal year of Heraclius Novus Constantinus started. As there is a parallel document which shows a combination of a regnal year of Heraclius Sr., a reference to his consulate, and a reference to a regnal year of his son, Heraclius Jr., viz. *SB* I 4319 (4 December 634; on this text see also *BASP* 17 [1980] 24), we do not have to worry unduly about this remarkable combination. At the same time this combination entails that we should restore a separate year numeral after the reference to Heraclius Sr.'s consulate; year 632 was, in fact, year 22 of his consulate (for the counting of years of imperial consuls in late Byzantine Egypt cf. *BASP* 18 [1981] 33-38).

As a result of the above considerations the following restoration of *SB* I 4662, lines 1-3, may be proposed:

- [† 'Εν ὀνόματι τοῦ κυρίου καὶ δεσπότης Ἰησοῦ Χριστοῦ τοῦ θεοῦ καὶ
 σωτῆ]ρος ἡμῶν, βασιλείας τοῦ εὐσεβεστάτου
 [ἡμῶν δεσπότης Φλ. Ἡρακλίου τοῦ αἰωνίου αὐγοῦστος αὐτοκράτορας
 ἔτους]ς εἰκοστοῦ δευτέρου καὶ ὑπατίας τῆς αὐτῶν
 [εὐσεβείας ἔτους κβ καὶ Φλ. Ἡρακλίου Νέου Κωνσταντίνου τοῦ εὐ-
 σεβ]εστῆτος ἔτους κ' Ἐπειφ ιζ, ε [νδ(ικτίονος) ἐν Ἀρ(σινὴ).]

This version entails the restoration of fifty-five letters plus the chrismon in line 1, fifty-seven letters in line 2, and fifty-three letters in line 3 in the lacunas at the left. For the

⁹ I should like to thank Mademoiselle M. F. Aubert for kindly providing me with the necessary material.

consular formula in lines 2-3 cf. *P. Rainer Cent.* 119.4 (in this papyrus the restoration of ἑτοῦς — has fallen out after αὐτοκρατορὸς in line 3; in line 5, the name might be restored as Φλ. Εἰρατῆ|γύφ, cf. *ZPE* 56 [1984] 116). For the honorific epithet here given to Heraclius Jr., cf. the use of the same epithet with the father in line 1. To be sure, one does not expect an epithet at this place in the formula, but I cannot find an alternative reading; a reading like αἰωνίου αὐγοῦ|στ(ατ)ου cannot be regarded as a serious alternative.

ADDENDUM: P. 359: For the introduction of regnal years after the promulgation of *Novella* 47 in A.D. 537, cf. now the following papyri from Oxyrhynchus: *P. Harr.* II 238 (4 April 539) and *ZPE* 62 (1986) 145 (3 April [?] 541).

Pp. 361-63: A similar dating formula in a Fayumic papyrus has now been published in *MPER* N.S. XV 108 (Heraclius Sr. regnal year 21; cos. Heraclius Sr. year 20; Heraclius Jr. regnal year 19; Mesore 2, ἀρχὴ indiction 5). The date of the document = 26 July 631, but it should be noted that this year was the 21st consular year of Heraclius Sr., or the 20th year of his post-consular year-count. For this reversal of counting consular years "New Style," see *BASP* 18 (1981) 33-38.

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